

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15615 of Vivian M. Fernandes, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area requirements (Subsection 401.3) for construction of a single-family dwelling in an R-1-B District at 4635 Clark Place, N.W., (Square 1358, Lots 852 and 854).

HEARING DATE: January 22, 1992
DECISION DATE: January 22, 1992 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 3-0 (Paula L. Jewell, Lloyd D. Smith and Carrie L. Thornhill to grant; Angel F. Clarens and Sheri M. Pruitt not present, not voting)

FINAL DATE OF ORDER: January 31, 1992

MODIFICATION ORDER

The Board granted the application by its order dated January 31, 1992. By letter dated September 14, 1993, the applicant requested a waiver of the six month limitation within which to file a request for modification of plans. The applicant timely filed a permit application maintaining the validity of the Board's order. The applicant stated that the original owner was experiencing economic difficulties because of the depressed real estate market. The applicant purchased the lot from her former client and began to redesign the home to make it more affordable.

The proposed modification of plans includes the following changes:

- a. Removal of the garage from under the house and providing the off-street parking in the side yard.
- b. Reduction in the footprint of the house from 34 feet by 37 feet to 32 feet by 30 feet.
- c. Simplification of the exterior decks and elimination of the third floor deck.

No party provided a response to the request for modification of plans.

Upon review of the motion, the evidence of record, and the Board's order, the Board concludes that the proposed modification of plans is minor in nature and does not alter the overall project initially approved by the Board. No additional zoning relief is

required. The material facts relied upon by the Board in granting the application are still relevant. It is therefore **ORDERED** that the waiver request and motion are **GRANTED** subject to the **CONDITION** that construction shall be in accordance with the plans marked as Exhibit No. 24-A of the record.

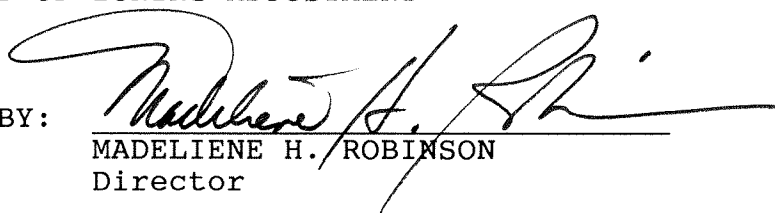
In all other respects, the order of the Board dated January 31, 1992 shall remain in full force and effect.

DECISION DATE: October 14, 1993

VOTE: 3-0 (Carrie L. Thornhill, Paula L. Jewell and Angel F. Clarens to grant; Sheri M. Pruitt not present, not voting) Having reviewed the complete record, Angel F. Clarens participated in the above decision.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: OCT 21 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENMTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15615ord/RCL/LJP

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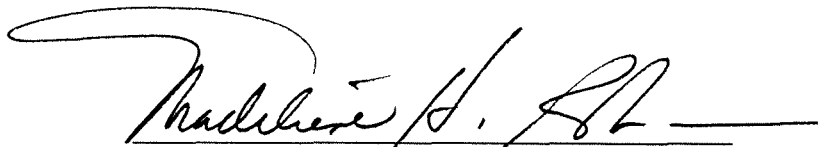


BZA APPLICATION NO. 15615

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 21 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Vivian M. Fernandes
2930 Macomb Street, N.W.
Washington, D.C. 20008

Joe Corey, Chairperson
Advisory Neighborhood Commission 3-B
P.O. Box 32312
Washington, D.C. 20007


MADELIENE H. ROBINSON
Director

DATE: OCT 21 1993.